

Sternagel, Fleischer,
Godemeyer & Partner

03. Juni 2005

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NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 72.2)

PATENT COOPERATION TREATY

PCT/EP2003/01099

From the INTERNATIONAL BUREAU

To:

STERNAGEL, FLEISCHER, GODEMEYER & PARTNER
Braunsberger Feld 29
51429 Bergisch Gladbach
ALLEMAGNE

Date of mailing (day/month/year)
26 May 2005 (26.05.2005)

Applicant's or agent's file reference
P11043WO

IMPORTANT NOTIFICATION

International application No.
PCT/EP2003/010998

International filing date (day/month/year)
04 October 2003 (04.10.2003)

Applicant

APPLICA GMBH et al

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

AZ, CA, CH, CN, CO, GH, KG, KP, KR, MK, MZ, RU, TM

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, BA, BB, BG, BR, BY, BZ, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GM, HR, HU, ID, IL, IN, IS, JP, KE, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MN, MW, MX, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, SC, SD, SE, SG, SK, SL, SY, TJ, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Yolaine Cussac

Facsimile No.+41 22 740 14 35

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Translation

PATENT COOPERATION TREATY

PCT/EP2003/010998

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Steiniger, Welscher,
Godemeyer & Partner

03 Juni 2005

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| | | |
|--|--|---|
| Applicant's or agent's file reference P11043WO | FOR FURTHER ACTION | See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) |
| International application No. PCT/EP2003/010998 | International filing date (day/month/year) 04 October 2003 (04.10.2003) | Priority date (day/month/year) 04 October 2002 (04.10.2002) |
| International Patent Classification (IPC) or national classification and IPC F04B 43/08 | | |
| Applicant APPLICA GMBH | | |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 3 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

| | |
|--|--|
| Date of submission of the demand 22 April 2004 (22.04.2004) | Date of completion of this report 03 November 2004 (03.11.2004) |
| Name and mailing address of the IPEA/EP | Authorized officer |
| Facsimile No. | Telephone No. |

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/010998

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
pages 1-24, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☒ the claims:
pages _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages 1-10, filed with the letter of 22 October 2004 (22.10.2004)
- ☒ the drawings:
pages 1/6-6/6, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP 03/10998

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | | |
|-------------------------------|--------|------|-----|
| Novelty (N) | Claims | 1-10 | YES |
| | Claims | | NO |
| Inventive step (IS) | Claims | 1-10 | YES |
| | Claims | | NO |
| Industrial applicability (IA) | Claims | 1-10 | YES |
| | Claims | | NO |

2. Citations and explanations

1. A pump device and a shaft for a pump device as defined in the preamble of claim 1 and of claim 5 respectively are known from US-A-4 909 710, which is cited in the search report and in the description. Said document discloses a peristaltic pump having a throughgoing shaft which is designed with incorporated cam segments joined thereonto. Said document does not disclose a shaft which is designed essentially without a central shaft in the sense that it has no throughgoing central region. Claims 1 and 5 are therefore novel.

There is nothing in any of the citations to suggest designing a one-piece shaft without a throughgoing central region or with one less than 3 mm thick for a pump device wherein, furthermore, the fins used in the pump device have a fin height to fin lift ratio of 4:1 or the shaft is provided with mutually offset, mutually adjacent cam segments.

Claims 1 and 5 therefore involve an inventive step.

The subject matter of claims 1 and 5 can be made and used in industry for or together with pumps having a

peristaltic drive device for pumping a medium through a line having at least one compressible section, for example transfusion pumps and infusion pumps.

Dependent claims 2 to 4 and 6 to 10 define preferred embodiments of the pump device and shaft in claims 1 and 5 respectively and thus likewise satisfy the novelty, inventive step and industrial applicability criteria.

2. The description has not been brought into line with the claims (PCT Rule 5.1(a)(iii)).